

Notice of Allowability

Application No.

10/755,242

Examiner

Helene Klemanski

Applicant(s)

DELUCA ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed June 27, 2005 and interviews on Sept. 1 and Sept. 12, 2005.
2. ☒ The allowed claim(s) is/are 1-4, 7-13 and 16-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 91205.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Helene Klemanski
HELENE KLEMANSKI
PRIMARY EXAMINER
GROUP 1100

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Phillip R. Kiefer on September 12, 2005.

The application has been amended as follows:

Please replace the paragraph at page 4, lines 19-21 as amended by applicants in the amendment filed June 27, 2005 with the following paragraph:

As used herein, the phrase "substantially substrate-free" means containing less than about ~~[[60]]~~ 20 weight percent of substrate based on the total weight of the effect pigment.

Reasons For Allowance

2. The following is an examiner's statement of reasons for allowance: This application teaches an effect pigment comprising a platy titanium dioxide that contains less than 20 weight percent of a substrate based on the total weight of said effect pigment and has a surface comprising reduced titanium dioxide and a method of preparing the effect pigment. The closest prior art of record is U.S. Patent 5,611,851 or U.S. Patent 4,192,691, issued to DeLuca et al. and Armanini respectively in view of U.S.

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Patent 5,693,135, issued to Schmid et al. DeLuca et al. and Armanini each teach a process for preparing an unsupported metal oxide pigment but fail to teach that the pigment has a surface of reduced titanium dioxide. Schmidt et al. teach a reduced titanium dioxide coated mica and a method of making wherein the titanium dioxide is reduced in the presence of hydrogen or ammonia to give a darker adsorption color. Therefore, one of ordinary skill in the art would expect a reduced unsupported pigment to possess a darker color than the unreduced (either supported or unsupported) pigment in light of the teaching of the above references. Applicants have provided a 132 Declaration showing that the combination of the above references would not have been obvious since the pigment of the present invention shows an unexpected change in color which in turn provides increased optical thickness and improved hiding (see exhibits A-C) which was not expected by the prior art. Accordingly, it is the examiner's position that the present invention of an unsupported titanium dioxide effect pigment wherein the titanium dioxide is reduced would not have been obvious to one of ordinary skill in the art and the application is allowable.

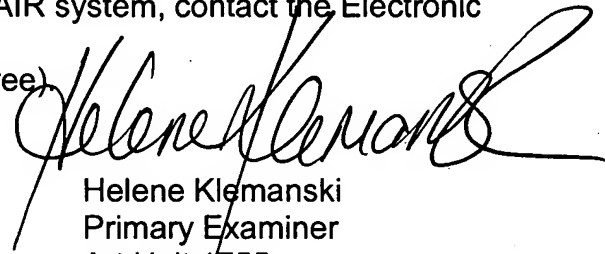
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helene Klemanski
Primary Examiner
Art Unit 1755



HK

September 12, 2005